

AO 440 (Rev. 08/01) Summons in a Civil Action

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

**JEFFREY M. JASKOL and STACEY J. JASKOL
Individually and On Behalf of All Others Similarly
Situating,**

Plaintiff,

vs.

**XYBERNAUT CORPORATION, EDWARD G.
NEWMAN, STEVEN A. NEWMAN, M.D.,
THOMAS D. DAVIS, BRUCE C. HAYDEN, and
GRANT THORNTON LLP,**

Defendants.

SUMMONS IN A CIVIL CASE

Case Number: 05-268

**TO: XYBERNAUT CORPORATION
c/o The Prentice-Hall Corporation System, Inc.
2711 Centerville Road, Suite 400
Wilmington, DE 19808**

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

**Seth D. Rigrodsky (DSBA #3147)
Ralph N. Sianni (DSBA #4151)
Brian D. Long (DSBA # 4347)
MILBERG WEISS BERSHAD & SCHULMAN LLP
919 N. Market St., Suite 411
Wilmington, DE 19801
Telephone: (302) 984-0597; Facsimile: (302) 984-0870**

an answer to the complaint which is served on you with this summons, within **twenty (20)** days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

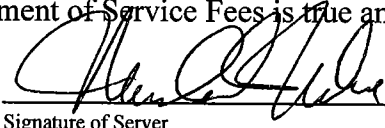
CLERK

DATE

5/4/05

Don T. Morse
(BY) DEPUTY CLERK

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RETURN OF SERVICE		
Service of the Summons and Complaint was made by me ¹	DATE <u>5-5-5 @ 175</u>	
NAME OF SERVER (PRINT) <u>Marshall Mankers</u>	TITLE <u>Process Server</u>	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____		
<input type="checkbox"/> Returned unexecuted: _____ _____		
<input checked="" type="checkbox"/> Other (specify): <u>served Mary Dammard at Registered agent</u> <u>Corporation Service Corp 2711 Centerville Rd</u> <u>Wilmington DE 19808</u>		
STATEMENT OF SERVICE FEES		
Travel	Services	Total
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>5-5-05</u> <div style="text-align: center; font-size: small;">Date</div>	 <div style="text-align: center; font-size: small;">Signature of Server</div>	
<div style="text-align: center; font-size: small;">Address of Server</div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.